

ORDINANCE NO. _____

AN ORDINANCE APPROVING A WATER AND WASTEWATER UTILITY RELOCATION STANDARD UTILITY AGREEMENT (“AGREEMENT”) BY AND BETWEEN THE CITY OF DENTON (“CITY”) AND THE TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”), FOR THE REIMBURSEMENT OF ELIGIBLE COSTS INCURRED IN THE ADJUSTMENT, REMOVAL, AND RELOCATION OF CITY FACILITIES OF BOTH WATER AND WASTEWATER UTILITIES ALONG I-35E FROM US 288 TO GANZER RD AND MORE SPECIFICALLY CALLED TXDOT PROJECTS CONSTRUCTION CSJ# 0195-02-074 AND ROW CSJ # 0195-02-079 (“UTILITY RELOCATIONS PROJECT”), WITHIN THE COUNTY AND CITY OF DENTON, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THE AGREEMENT; PROVIDING FOR THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$6,872,339.48 FOR UTILITY RELOCATIONS PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the TxDOT has deemed it necessary to make certain highway improvements as designated by the State and approved by the Federal Highway Administration within the limits of the highway as indicated for the I-35 E US-288 to Ganzer Road (“Utility Relocation Project”); and

WHEREAS, TxDOT has expanded their right-of-way through the I-35E corridor within the Denton city limits in anticipation of the TxDOT’s I-35E Widening project with a current project letting schedule of August 2025; and

WHEREAS, the proposed Utility Relocation Project will necessitate the adjustment, removal, and/or relocation of certain facilities of the City as indicated in the following statement of work:

- 1) Water Line-
 - a. Relocate approximately 66 LF of 16” DIP water line longitudinal to Barthold Dr/FM 1173 from Barthold Dr Sta 91+77 to Barthold Dr Sta 92+42.
 - b. Approximately 115 LF of 16" DIP water line to be removed or grout filled from Barthold Dr Sta 91+70 to Barthold Dr Sta 92+42.
- 2) Force Main Pipe
 - a. Relocate 9,601 LF of 12” HDPE force main pipe longitudinal to IH35 from IH35 Sta 2300+37 to IH35 Sta 2206+69 in conflict with proposed pavement, and storm sewer into City of Denton easement.
- 3) Drainage Crossings
 - a. Install approximately 762 LF of 18” steel casing by other than open cut crossing US 77 at Sta 115+00 (IH-35 Sta 2225+62, offset 1357' RT) and at other various drainage easement crossings (IH-35 Sta 2298+47, IH-35 Sta 2295+90, IH-35 Sta 2273+51, IH-35 Sta 2260+21) for force main.
- 4) Sanitary Sewer
 - a. Install 48 LF of 30" FRP Sanitary Sewer from IH 35 Sta 2301+39 to IH35 Sta 2301+18. Install approximately 469 LF of 48” steel casing crossing IH-35 at IH-35 Sta 2301+39, and 199 LF of 30” steel casing crossing Barthold Dr at Barthold Sta 91+76 for Sanitary Sewer. Approximately 495 LF of 8", 10", and 12" PVC sewer line to be removed and 169 LF of 8" PVC sewer line to be grout filled.

5) Lift Station

- a. Install 1 - 1,300 gpm Lift Station at IH35 Sta 2301+39. Abandon and remove existing Border Cowboy Lift Station which was previously in conflict with IH-35 ROW at IH35 Sta 2233+96.

WHEREAS, the City of Denton is responsible for relocating the City's utilities currently located within the recently acquired TxDOT right-of-way; and

WHEREAS, in an effort to meet TxDOT's anticipated roadway construction schedule, the City's Utility Relocation Project will relocate both water and wastewater utilities out of TxDOT's recently expanded right-of-way between US-288 and Ganzer Road; and

WHEREAS, the TxDOT will participate in the costs of the adjustment, removal, and relocation of certain facilities to the extent as may be eligible for State and/or Federal participation; and

WHEREAS, TxDOT, upon receipt of evidence it deems sufficient, acknowledges the City's interest in certain lands and facilities that entitle it to reimbursement for the adjustment, removal, and relocation of certain of its facilities located upon the lands as indicated in the statement of work; and

WHEREAS, TxDOT will, upon satisfactory completion of the adjustment, removal, and/or relocation and upon receipt of final billing prepared in an approved form and manner and accounting for any intermediate payments, make payment in the amount of 90 percent (90%) of the eligible costs as shown in the final billing prior to audit and after such audit shall make an additional final payment totaling the reimbursement amount found eligible for State reimbursement; and

WHEREAS, The City of Denton is responsible for the minimum required water main relocations which should be fully reimbursable in accordance with TxDOT ROW Utilities Manual, and Texas Administrative Code Title 43, Chapter 21; and

WHEREAS, the City Council having considered the importance of the project to the citizens of Denton and finding that it is in the public's health and safety interest, is of the opinion that it should approve the Agreements; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitals contained in the preamble of this ordinance are hereby incorporated into the body of this ordinance are true and correct.

SECTION 2. The City Manager, or designee, is authorized to expend funds in an amount not to exceed of Six Million, Eight Hundred Seventy-Two Thousand, Three Hundred Thirty-Nine Dollars and 48/100 (\$6,872,339.48) for the I-35 E From US-288 to Ganzer Road Utility Relocation Project in the City and County of Denton.

SECTION 3. The City Manager, or designee, is hereby authorized to execute on behalf of the City the Water and Wastewater Standard Utility Agreement No. U00018749, a copy of which is attached hereto as Exhibits " A" and made a part hereof for all purposes.

SECTION 4. The City Manager, or designee, is further authorized to carry out all obligations and duties of the City as set forth in the Agreement, including but not limited to the expenditure of funds.

SECTION 5. That this ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by _____ and seconded by _____. The ordinance was passed and approved by the following vote [____ - ____]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Gerard Hudspeth, Mayor:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, INTERIM CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

By: Benjamin N. Samples, II